

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MONTVALE SURGICAL CENTER,
LLC, a/s/o GERALD TYSKA

Plaintiff,

v.

COVENTRY HEALTH CARE,
AMICA MUTUAL INSURANCE
COMPANY, AND ABC CORP (1-10),

Defendants.

Civil Action No. 12-6916

ORDER

LINARES, District Judge.

This matter, having come before the Court by way of Defendants' Joint Motion to Dismiss Plaintiff's Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) [CM/ECF No. 11], and, for the reasons stated in this Court's corresponding Opinion dated March 13, 2013,

IT IS on this 13 day of **March, 2013**,

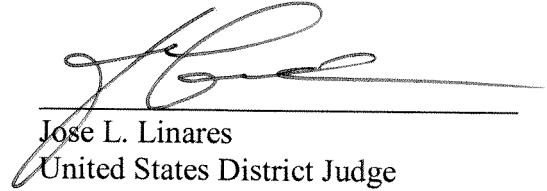
ORDERED that Defendants' Joint Motion to Dismiss Plaintiff's Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) is hereby granted; and it is further

ORDERED that Counts One, Two, and Five of the Complaint are dismissed without prejudice; and it is further

ORDERED that Counts Three and Four of the Complaint are dismissed with prejudice; and it is further

ORDERED that Plaintiffs have thirty (30) days from the entry of this Order in which to file a First Amended Complaint which cures the pleading deficiencies in Counts One, Two, and Five of Plaintiff's Complaint [CM/ECF No. 1]. Plaintiffs' failure to file such a First Amended Complaint will result in the dismissal of such claims with prejudice.

SO ORDERED.



Jose L. Linares
United States District Judge